

**CHECKLIST FOR FILING A NEW MDL MOTION  
FOR 28 U.S.C. § 1407 TRANSFER  
Court Rules Judicial Panel on Multidistrict Litigation cited @ 199 F.R.D. 425**

- ☐ Motion must consist of at least two actions with common questions of fact pending in two different federal district courts.
- ☐ Motion shall be captioned “BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION” followed by a brief descriptive caption of the new litigation. (Rule 7.1(e)) *See Sample M-1.*
- ☐ Final page of each pleading shall contain the name, address, phone number of the attorney and shall include the name of each party represented.
- ☐ Brief (memorandum) in support of motion may not exceed 20 pages. *See Sample M-2.*
- ☐ Schedule of Actions must include the complete name of each action, listing the full names of each party (do not shorten with “etc.” or “et al.”) and shall also include any additional parties such as movants, intervenors, etc.; the district court and division; the civil action number; and the judge assigned for each action. *See Sample M-3.*
- ☐ Proof of Service shall indicate service of papers on the clerk of each district court that may be affected by the motion and shall include the name and address of each attorney served and the party represented by each. Double check the proof of service against the schedule of actions to make sure each party has been listed with counsel or, if counsel are unknown, serve the party directly. If unable to obtain the address of a party, you must state so in the proof of service. (Rule 5.2(a) and (b)) *See Sample M-4.*
- ☐ Excessive exhibits are not helpful and generally do little to assist the Panel in ruling on a motion for transfer. Exhibits exceeding 50 pages should be bound separately from the motion papers. DO NOT include as exhibits copies of the Panel’s own orders or pleadings that are readily available through PACER or CM/ECF.
- ☐ Provide the Panel with one courtesy copy of each complaint and docket sheet for the cases on your motion. This will facilitate processing of the motion papers.
- ☐ An Oral Argument Statement is not required, however, one may be submitted with the motion papers.

**FORMAT FOR NEW MOTION FOR 28 U.S.C. § 1407 TRANSFER**  
**Court Rules Judicial Panel on Multidistrict Litigation cited @ 199 F.R.D. 425**  
**Rule 7.2 Motion Practice**

**BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

**In re** John Doe Litigation MDL-\_\_\_\_\_

**MOTION OF PLAINTIFFS FOR TRANSFER OF  
ACTIONS TO THE NORTHERN DISTRICT OF  
CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR  
COORDINATED OR CONSOLIDATED PRETRIAL  
PROCEEDINGS**

Plaintiffs Billy Jones, John Jones, Bill Smith in the  
N.D. California action listed above, and plaintiffs Karen  
Jones, Susan Jones, Bill Smith in the S.D. Ohio action,  
respectfully move this Panel , pursuant to 28 U.S.C. §1407 . .  
.

Atty Name  
Address, Phone  
Counsel for plaintiffs: *YOU MUST NAME  
ALL PARTIES REPRESENTED*

**A separate schedule of actions is required.**

**Averments in any motion seeking action by  
the Panel shall be in numbered paragraphs,  
each limited to a single factual averment.**

**Last page should contain name, address and  
telephone number of attorney or party in  
active charge of case and should name the  
parties represented.**

**FORMAT FOR BRIEF IN SUPPORT OF NEW MOTION FOR 28 U.S.C. § 1407  
TRANSFER**

**Court Rules Judicial Panel on Multidistrict Litigation cited @ 199 F.R.D. 425  
Rule 7.2 Motion Practice**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT  
LITIGATION**

**In re** John Doe Litigation MDL-\_\_\_\_

**BRIEF IN SUPPORT PLAINTIFFS' MOTION FOR TRANSFER  
OF ACTIONS PURSUANT TO 28 U.S.C. § 1407**

**BACKGROUND:**

Plaintiffs Billy Jones, John Jones, Bill Smith in the N.D. California action and plaintiffs Karen Jones, Susan Jones, Bill Smith in the S.D. Ohio action filed their complaints...

**ARGUMENTS:**

Transfer of these actions to the Northern District of California is appropriate because...

Atty Name  
Address, Phone  
Counsel for plaintiffs: *YOU MUST NAME ALL  
PARTIES REPRESENTED*

**Brief is limited to 20 pages.**

**Background of the litigation and factual and legal contentions of the movant shall be concisely stated in separate parts of the brief with citation of applicable authorities.**

**Last page should contain name, address and telephone number of attorney or party in active charge of case and should name the parties represented.**

**Exhibits exceeding a cumulative total of 50 pages shall be fastened separately from the accompanying pleading.**

# FORMAT FOR NEW MOTION SCHEDULE

Before the Judicial Panel on Multidistrict Litigation  
MDL-\_\_\_\_ – In re John Doe Litigation

## SCHEDULE OF ACTIONS

Case Captions	Court	Civil Action No.	Judge
<b>Plaintiffs:</b> Bill Jones, Tom Jones, Susan Jones <b>Movant:</b> Sharon Smith <b>Defendants:</b> Smith Corp.; Jones & Jones; Mary Jones Corp.; Johnson & Smith, Inc.	N.D. California (Bky. Court, Advy.)	1:04-12345	Jack J. Jones
<b>Plaintiffs:</b> Mary S. Smith, Executer of the Estate of John Smith; Mary S. Smith, on Behalf of Minor Child Susan Smith, and Mary S. Smith, Individually <b>Intervenor:</b> State of New York <b>Defendants:</b> Smith Corp.; Jones & Jones; Mary Jones Corp.; Johnson & Smith, Inc.	D. Delaware	1:05-00001	William Justice

### For each action on the Schedule you must include:

#### **Complete name of action, do not use “et al.” or “etc.”**

*Individuals that have been added to the docket sheet such as Movants or Intervenors are considered parties by the Panel and should be identified within your case caption.*

#### **District court.**

*Please group cases by “district “ in ascending order.*

#### **Division & civil action number.**

*Within each district list cases in ascending order by civil action number.*

#### **Name of judge assigned.**

*One courtesy copy of the complaint for each action is helpful upon submission of your motion papers to the Panel. You are NOT required to included the complaints as exhibits to your motion papers;. However, if the complaints are referenced as exhibits within your motion papers, then an original plus four copies will be required .*

## PROOF OF SERVICE FOR MOTION FOR 28 U.S.C. § 1407 TRANSFER

BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

In re John Doe Litigation MDL-\_\_\_\_\_

**Proof of Service**

I hereby certify that a copy of the foregoing Motion, Brief, Schedule of Actions and this Certificate of Service was served by [First Class Mail, Federal Express Next Day Delivery, Hand Delivered...] on Month Day, Year, to the following:

Clerk, Northern District California  
San Francisco, CA

Clerk, Southern District of Ohio  
Cincinnati, Ohio

William Smith, Esq.  
Smith, Smith & Smith  
One Main Street  
San Francisco, CA 22222

**Counsel for Plaintiffs: Bill Jones, et al., N.D.**  
California, Bky. Advy. No. 1:04-12345

John Johnson, Esq.  
Johnson, Johnson & Johnson  
Two Brown Street, Room 1  
San Francisco, CA 22222

**Counsel for Plaintiffs: Mary Smith, et al., D.**  
Delaware, C.A. No. 1:05-00001

Joe Jones, Esq.  
Jones, Smith & Johnson  
Three Green Street  
San Antonio, TX 22433

**Counsel for Defendant: Johnson & Smith**

*...and continue for the rest of the actions, including  
counsel for Movants or Intervenor where appropriate.*

**Rule 5.2 requires a proof of service on all other parties in all actions involved in the litigation. The proof of service shall indicate the name and complete address of each person served and shall indicate the party represented by each. Parties not represented by counsel shall be served at the party's last known address.**

*Service of a common defendant may be listed just once; however, organization of certificate of service should track organization of schedule of actions, so that counsel are listed in a district by district and case by case basis.*

*Individuals that have been added to the docket sheet as Movants or Intervenor are considered parties by the Panel and should be included on your certificate of service.*